

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**THE CITY OF STARKVILLE, MISSISSIPPI,**

**Plaintiff,**

**v.**

**J & P CONSTRUCTION CO., INC., EVOQUA  
WATER TECHNOLOGIES LLC, AND  
VOLKERT, INC.**

**Defendants.**

**Case No. 1:24cv15**

**Judge Sharion Aycock**

**Magistrate Judge David A. Sanders**

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**STIPULATED ORDER EXTENDING CMO DEADLINES**

Plaintiff the City of Starkville, Mississippi (the “Plaintiff” or “Starkville”) and Defendants J&P Construction Co., Inc., Evoqua Water Technologies LLC, and Volkert, Inc. (“Defendants” and together with Plaintiff, the “Parties”) hereby stipulate to the following modifications of the Case Management Order [Doc. 97, as amended by Doc. 160, Doc. 175, and Doc. 188]:

1. The discovery deadline is extended to November 21, 2025 for the limited purpose of completing the following discovery matters:
  - a. The deposition of Starkville witness Bert Coker.
  - b. Inspection of the oxidation ditch draining process, including but not limited to photographing and/or videotaping once the ditches are drained and before the sludge is removed from the concrete basins. Based upon the construction schedule provided by Hemphill Construction, the second oxidation ditch may

not be drained until after expiration of the extended discovery deadline. Defendants are permitted to obtain photographs/videos and a sludge depth measurement of the second oxidation ditch notwithstanding that such discovery may be obtained after the extended deadline, given that access to the second ditch may not be available prior to the extended deadline, because the parties represent that such discovery will not affect any dispositive or *Daubert* motion deadline.

- c. The deposition of an Evoqua representative(s) familiar with the documents produced by Evoqua at EWT\_012192 and EWT\_012193, and reasonable discovery related to documents EWT\_012017 – EWT\_012191, if necessary.
- d. Production of Garver's lab testing results referenced by Wes Cardwell at 93:4-25 of his deposition transcript.
- e. Production of the Starkville SCADA data, as requested by Evoqua, or if the data is not recoverable, written confirmation that and explanation why the data is not recoverable. Evoqua reserves the right to subpoena Starkville's data vendor, CSI, regarding the requested SCADA data.

2. The Parties are permitted to update or amend their disclosures on or before the discovery deadline set forth in Paragraph 1.

3. The Parties shall submit any supplemental expert opinions based on the limited discovery in Paragraph 1 thirty (30) days before the discovery deadline in Paragraph 1. The Parties shall take any additional expert depositions by the discovery deadline in Paragraph 1, which depositions shall be strictly limited to the expert's supplemental opinions, if any.

4. All motions, including *Daubert* motions, shall be filed not later than December 5, 2025.

5. The trial and final pretrial conference will be reset by separate notices.

SO ORDERED this the 31st day of July, 2025

**/s/ David A. Sanders**  
**U.S. MAGISTRATE JUDGE**